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Meeting of States Parties

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Report of the tenth Meeting of States Parties

Prepared by the Secretariat

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I. Introduction

1. The tenth Meeting of States Parties to the United Nations Convention on the Law of the Sea was convened at United Nations Headquarters from 22 to 26 May 2000, in accordance with article 319, paragraph 2 (e), of the Convention and the decision taken at the ninth Meeting (SPLOS/48, para. 58). Pursuant to that decision and in accordance with rule 5 of the rules of procedure adopted by the Meeting of States Parties (SPLOS/2/Rev.3), invitations to participate in the Meeting were addressed by the Secretary-General of the United Nations to all States Parties to the Convention. Invitations were also addressed to observers in conformity with rule 18 of the rules of procedure (SPLOS/2/Rev.3/Add.1), including the President and the Registrar of the International Tribunal for the Law of the Sea and the Secretary-General of the International Seabed Authority.

2. The Meeting had before it the following documents:

- Rules of procedure for Meetings of States Parties (SPLOS/2/Rev.3 and SPLOS/2/Rev.3/Add.1);
- Report of the ninth Meeting of States Parties (SPLOS/48);
- Provisional agenda (SPLOS/L.17);
- Annual report of the International Tribunal for the Law of the Sea for 1999 (SPLOS/50);
- Draft budget proposals of the International Tribunal for the Law of the Sea for 2001 (SPLOS/WP.12);
- Report of the External Auditors for the financial year 1998, with financial statements of the International Tribunal for the Law of the Sea as at 31 December 1998 (SPLOS/51);
- Report of the External Auditors for the financial year 1999, with financial statements of the International Tribunal for the Law of the Sea as at 31 December 1999 (SPLOS/53);
- Letter dated 5 May 2000 from the Chairman of the Commission on the Limits of the Continental Shelf addressed to the President of the tenth Meeting of States Parties (SPLOS/52);
- Financial Regulations of the International Tribunal for the Law of the Sea (SPLOS/36);
- Proposals submitted by Japan relating to the Financial Regulations of the Tribunal (SPLOS/36) (SPLOS/CRP.15 and SPLOS/CRP.23);
- Proposals submitted by the European Community relating to the Financial Regulations of the Tribunal (SPLOS/36) (SPLOS/CRP.16 and SPLOS/CRP.16/Rev.1);
- Republic of Korea: Proposals relating to the Financial Regulations of the Tribunal (SPLOS/36) (SPLOS/CRP.18);
- Germany: Proposals relating to the Financial Regulations of the Tribunal (SPLOS/CRP.19 and SPLOS/CRP.25);
- European Community, Germany and Japan: Proposal relating to the Financial Regulations of the Tribunal (SPLOS/36) (SPLOS/CRP.24);
- United Kingdom of Great Britain and Northern Ireland: Proposals relating to the Rules of Procedure for Meetings of States Parties (SPLOS/CRP.20);
- Proposal submitted by the delegation of Chile to consider at the Meeting of States Parties the issue of the implementation of the United Nations Convention on the Law of the Sea (SPLOS/CRP.22).

II. Organization of work

A. Opening of the tenth Meeting and election of officers

3. The tenth Meeting of States Parties was opened by the Vice-President of the ninth Meeting, Ambassador Penny Wensley (Australia).

4. The Meeting elected Ambassador Peter D. Donigi Papua New Guinea) as President of the tenth Meeting of States Parties by acclamation.

5. The Meeting elected the representatives of Australia, Cameroon, Chile and Croatia as the Vice-Presidents of the tenth Meeting of States Parties.

B. Introductory statement by the President

6. In his opening statement, the President extended his welcome to all States Parties, especially to Nicaragua, which had deposited its instrument of ratification and was scheduled to become the 133rd State Party on 2 June 2000.

7. He stated that the Convention was becoming increasingly one of the unique instruments of international law. The growing number of States Parties, the increasing acceptance of the Convention by States which were still in the process of ratifying or acceding to it, including major industrialized States, was testimony to its importance in international law. The Convention marked a very important understanding reached between States possessing the technological skills, knowledge, expertise and equipment and States whose lives depended, to a large degree, on the bounties of the oceans and the resources of the seabed. He expressed his hope that the international community would continue to take concrete steps and adopt effective measures to implement the principles enshrined in the Convention.

8. The President outlined the programme of work of the tenth Meeting, pointing out that the priority items on the agenda were the draft budget of the International Tribunal for the Law of the Sea for 2001, as well as other financial matters relating to the work of the Tribunal. He emphasized that the Tribunal, as one of the institutions created by the Convention, was already influencing the settlement of disputes with respect to the law of the sea. The five cases already dealt with, some calling for provisional measures and others for a more detailed and in-depth analysis of issues in dispute, attested to that fact. The authority of the Tribunal was demonstrated in the fact that its Orders and Judgments had been followed and implemented. It was anticipated that the workload of the Tribunal would increase as more and more inquiries were made by States wishing to submit their disputes to it. The budget of the Tribunal which had been presented to the Meeting therefore reflected the anticipated increase in cases and judicial proceedings. The President proposed that the budget be considered in an open-ended working group.

9. He drew the attention of the Meeting to other important matters to be considered: the Financial Regulations of the Tribunal; the reports of the External Auditors; and the Rules of Procedure for Meetings of States Parties, in particular rule 53, dealing with decisions on questions of substance.

10. Turning to the other institutions created by the Convention, the President noted that the Commission on the Limits of the Continental Shelf had also made considerable progress since its establishment. It had already adopted the Scientific and Technical Guidelines and held a one-day informative open meeting for States Parties and for other interested countries on 1 May 2000. He drew attention to the letter from the Chairman of the Commission regarding the issue of financing the participation of members of the Commission from developing countries in its work.

11. The President also noted the progress of work in the International Seabed Authority. It had approved the plans of work for exploration by seven pioneer investors and was now finalizing the draft regulations for prospecting and exploration for polymetallic nodules.

C. Adoption of the agenda and organization of work

12. The Meeting considered the provisional agenda for the tenth Meeting (SPLOS/L.17). The delegations of Chile and the United Kingdom of Great Britain and Northern Ireland proposed to raise, under agenda item 14, two matters for inclusion. The agenda as adopted is contained in SPLOS/54.

III. Report of the Credentials Committee

13. The Meeting of States Parties appointed a Credentials Committee consisting of the following members: China, Guatemala, Indonesia, Malta, Nigeria, Portugal, Slovakia, South Africa and Uruguay.

14. The Credentials Committee held one meeting, on 25 May 2000. The Committee elected Julio Lamarthée (Uruguay) as Chairman. At the meeting, the Committee examined the credentials of representatives to the tenth Meeting of States Parties. It accepted the credentials submitted by the representatives of 86 States Parties to the Convention, including the European Community. On 26 May 2000, the Meeting of States Parties approved the report of the Committee (SPLOS/55).

IV. Matters related to the International Tribunal for the Law of the Sea

A. Annual report of the Tribunal

15. The annual report of the International Tribunal for the Law of the Sea, covering the calendar year 1999 (SPLOS/50), was submitted to the Meeting of States Parties under rule 6, paragraph 3 (d), of the Rules of Procedure of Meetings of States Parties.

16. In his introductory statement, the President of the Tribunal, Judge P. Chandrasekhara Rao, informed the Meeting of changes in the composition of the Tribunal and its Chambers. He noted that during the two sessions held in 1999, the Tribunal, in addition to its judicial work and other administrative functions, had dealt with important issues such as Instructions to the Registry and legal costs for parties appearing before the Tribunal.

17. The Tribunal had also considered matters concerning relations with the United Nations and other international organizations, such as the Food and Agriculture Organization of the United Nations (FAO), the International Maritime Organization (IMO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Intergovernmental Oceanographic Commission (IOC), the International Seabed Authority and the International Hydrographic Bureau (IHO), as well as the Commission on the Limits of the Continental Shelf in order to facilitate exchange of relevant information.

18. The President noted that negotiations between the Tribunal and the Federal Republic of Germany concerning the Headquarters Agreement of the Tribunal, as well as the use and occupancy of its premises, had reached a crucial stage, with both sides keen to conclude those arrangements before 3 July 2000. That was the date that had been fixed for the ceremonial opening of the new building. Invitations had been sent to all States Parties and to various international organizations and distinguished personalities and the ceremony would take place in the presence of the Secretary-General.

19. The financial situation of the Tribunal remained far from satisfactory. As of 31 December 1999, the Tribunal had an unpaid balance of assessed contributions in the amount of $1,473,290 to the successive budgets of the Tribunal since 1996/97. He drew attention to General Assembly resolution 54/31 of 16 December 1999, wherein an appeal had been made to all States Parties to the Convention to pay their assessed contributions to the Tribunal in full and on time in order to ensure that it was able to carry out its functions as provided for in the Convention.

20. As regards the judicial work of the Tribunal, the President reported that during 1999, the Tribunal had three cases before it for adjudication: the first case being the *M/V "Saiga" (No. 2)* case, and the second and third cases being the *Southern Bluefin Tuna* cases. The merits of the first case had been between Saint Vincent and the Grenadines and Guinea in respect of the arrest and detention of the vessel *Saiga* entrusted to the Tribunal in February 1998. Following the filing of written pleadings of the parties, 18 public sittings were held in March 1999 and the Tribunal delivered its judgment on 1 July 1999.

21. The second and third cases involved requests made on 30 July 1999 by New Zealand and Australia, respectively, for the prescription of provisional measures, pending the constitution of an arbitral tribunal, in a dispute with Japan concerning southern bluefin tuna. The Tribunal made its Order in these cases on 27 August 1999.

22. The President emphasized that the Tribunal had, in the cases of which it was seized so far, succeeded in delivering its Orders and Judgments expeditiously.

23. Delegations expressed their appreciation to the President and the Tribunal for the annual report. Some emphasized the important role of the Tribunal in the peaceful settlement of disputes and commended the members of the Tribunal for the superb work and their professionalism in dealing with the cases presented to them so far.

24. The importance of concluding the negotiations on the Headquarters Agreement was underlined by some delegations, as was the necessity for all States to pay their contributions to the budget of the Tribunal.

25. The Meeting took note, with appreciation, of the report of the Tribunal.

B. Budget of the Tribunal for 2001

26. The President of the Tribunal introduced the draft budget of the Tribunal for 2001 (SPLOS/WP.12). He emphasized that the basis of the budget proposals

continued to be the evolutionary approach of the previous budgets. He pointed out that the increases in the budgetary provisions in the main areas, as compared to 2000, had resulted essentially from the needs to strengthen the legal, linguistic and administrative capability of the Registry, necessitated by the expected work programme for 2001. In addition, the increase in the budget was also necessary to meet the maintenance, operational and security requirements of the new premises of the Tribunal, to install a fully integrated computer network system in the new premises and to defray the costs of the anticipated judicial workload of the Tribunal in 2001.

27. The proposal for the budget of the Tribunal for 2001 was predicated, *inter alia*, on the premise that in 2001 the Tribunal would have meetings for a total of 10 weeks, 6 to deal with cases and 4 for purposes essentially of an administrative nature, not necessarily related to cases. The budget proposals amounted to a total of $8,698,900, composed of:

(a) A recurrent expenditure of $7,164,000, consisting of:

(i) $1,760,000 for the remuneration, travel and pension of judges;

(ii) $3,566,800 for salaries and related costs of staff (16 posts at the Professional level and above and 23 posts at the General Service level);

(iii) $272,600 for general temporary assistance, overtime, official travel and representation allowance;

(iv) $129,100 for temporary assistance for meetings;

(v) $1,435,500 for other items, including communications, supplies and materials, printing and binding, maintenance of premises, rental and maintenance of equipment, library, training and security;

(b) A non-recurrent expenditure of $541,000, essentially for the acquisition of furniture, equipment and special equipment;

(c) A contingency fund of $943,900 for case-related work;

(d) Advances to the Working Capital Fund of the Tribunal amounting to $50,000.

28. The budget proposals were first considered in an open-ended Working Group. The Working Group held several meetings during which it carried out an item-by-item examination of the proposals.

29. On the basis of the agreement reached in the Working Group, it was recommended to the Meeting of States Parties to approve the revised budget of the Tribunal for 2001 (SPLOS/L.18). The Meeting of States Parties approved the revised budget (SPLOS/56). It took note of the fact that most of the budgetary increases in 2001 over the level of 2000 were attributable to costs associated with maintenance, operation and security of the Tribunal's new premises, as well as the anticipated level of judicial work.

30. The approved budget amounted to a total of $8,090,900 including, *inter alia*:

(a) A recurrent expenditure of $6,902,000 consisting of:

(i) $1,760,000 for the remuneration, travel and pension of judges;

(ii) $3,365,200 for salaries and related costs of staff (14 posts at the Professional level and above and 21 posts at the General Service level);

(iii) $272,600 for general temporary assistance, overtime, official travel and representation allowance;

(iv) $129,100 for temporary assistance for meetings;

(v) $1,375,100 for other items, including communications, supplies and materials, printing and binding, maintenance of premises, rental and maintenance of equipment, library, training and security;

(b) A non-recurrent expenditure of $275,000, essentially for the acquisition of furniture, equipment and special equipment.

With a view to providing the Tribunal with the necessary financial means to consider cases in 2001, in particular those requiring expeditious proceedings, the Meeting of States Parties further approved $863,900 as contingency funds of the Tribunal, which should only be used in the event of cases being submitted to the Tribunal. It also approved an additional amount of $50,000 for advances to the Working Capital Fund of the Tribunal in 2001 and decided that, on an

exceptional basis, savings from appropriations in the budget for 2001, up to a maximum of $200,000, would also be credited to the Fund.

31. It should be noted that a reduction (amounting to $608,000) had been achieved in the approved budget, when compared to the draft budget for 2001 as proposed by the Tribunal.

32. The budget of the Tribunal in 2001, including its contingency funds and the additional advances to its Working Capital Fund in 2001, is to be financed by all States and international organizations that are Parties to the United Nations Convention on the Law of the Sea. These contributions to be made by States Parties are to be based upon the scale of assessments of the regular budget of the United Nations for the preceding financial year, adjusted to take into account participation in the Convention. The Meeting of States Parties decided that a floor rate of 0.01 per cent and a ceiling rate of 25.00 per cent would be used in establishing the rate of assessment for States Parties for the budget of the Tribunal in 2001. The contribution of the European Community to the budget would be proportionate to the approved budget and would be based on its contribution to the current budget (SPLOS/48, para. 27).

33. In the context of the discussion of budgetary matters of the Tribunal, a number of delegations expressed the view that a goal of zero growth or minimal growth should have been pursued. One delegation said that a greater reduction than $608,000 might have been achieved had the Meeting persevered in efforts at austerity. Stating that the Tribunal had been provided with sufficient resources to discharge its duties, the delegation maintained that as long as no substantial changes took place in the workload of the Tribunal, the current budgetary figures should be maintained, with the necessary adjustment for inflation.

34. Some delegations stressed the need to ensure equitable geographical distribution among the staff of the Registry and stated that, in particular, attention should be given to nationals from African States in order to ensure their representation, in particular, in the Legal Section of the Registry.

C. Financial Regulations of the Tribunal

35. The Financial Regulations of the Tribunal as adopted by the Tribunal (SPLOS/32) had been introduced by the President of the Tribunal for the consideration of the Meeting of States Parties at the ninth Meeting. Discussions on the regulations had taken place at that Meeting and a number of draft amendments had been introduced (SPLOS/CRP.15, 16, 18 and 19). The Meeting had decided to continue its deliberations on the Financial Regulations of the Tribunal at the tenth Meeting. It had also been agreed that any further comments and amendments should be provided in writing to the Secretariat by 30 November 1999 (SPLOS/48, paras. 35-37).

36. The Secretariat did not receive any further comments and amendments by that date. However, during the tenth Meeting of States Parties a number of draft amendments were submitted (SPLOS/CRP.16/Rev.1, CRP.23, 24 and 25). During the discussions, a number of proposals were made by delegations, many of which attracted broad support. It was felt that further work was required during the next (eleventh) Meeting and the President of the tenth Meeting requested the Secretariat and the Registry of the Tribunal to prepare a revised version of the Financial Regulations of the Tribunal taking into account the various proposals and the outcomes of the discussions during the ninth and the tenth Meetings.

37. Among the proposals put forward, some generated considerable discussion. One concerned the presentation of the draft budget of the Tribunal under a "split currency system" in view of the fact that a part of the expenditures of the Tribunal was in United States dollars and the remaining part in euro or euros or deutsche mark. Another proposal related to the contributions to be made by the international organizations that are States Parties to the Convention (see para. 32).

D. Reports of the External Auditors and financial statements of the Tribunal for 1998 and 1999

38. The Registrar of the International Tribunal for the Law of the Sea presented the report of the External Auditors for the financial year 1998, with financial statements of the Tribunal as at 31 December 1998 (SPLOS/51). He informed the Meeting that the members of the Tribunal had not yet had a chance to review the report of the External Auditors and the financial statements for the financial year 1999

(SPLOS/53). In the light of the explanation given by the Registrar, the Meeting decided to defer consideration of the audit report and financial statement for 1999 until the eleventh Meeting of States Parties.

39. One delegation expressed its satisfaction with the report of the External Auditors and the financial statement for the financial year 1998, which it said had taken into account the suggestions that had been made at the ninth Meeting of States Parties in relation to the audit report for 1996/97 (SPLOS/48, para. 29). That delegation thanked the Registrar for taking the suggestions into account and proposed that the practice be continued in future years.

40. The Meeting took note of the report of the External Auditors and the financial statement for the financial year 1998.

E. Trust Fund in respect of the Tribunal

41. The Meeting considered a proposal by the delegation of the United Kingdom of Great Britain and Northern Ireland to establish a trust fund, similar to the Trust Fund established for the International Court of Justice, to provide States with financial assistance in proceedings before the International Tribunal for the Law of the Sea. The delegation of the United Kingdom proposed that the trust fund should be established by a resolution of the General Assembly. It would be funded on a voluntary basis through contributions from States, intergovernmental organizations, non-governmental organizations and individuals and would be administered by the Secretary-General of the United Nations. The fund would be used principally for proceedings on the merits of a case and where the jurisdiction of the Tribunal was not an issue. It was further suggested that a panel of experts should be set up to consider and determine the amount of the financial assistance requested. The approved amount would cover the preparation of the pleadings, counsel's fees, travel expenses to the Tribunal, etc., but not any award of compensation. An annual report would be made to the Meeting of States Parties on the status of the fund.

42. The President of the Tribunal expressed the Tribunal's appreciation to the delegation of the United Kingdom for its proposal. The availability of financial assistance, he pointed out, would serve as a device to overcome financial impediments to the judicial settlement of disputes and promote the peaceful settlement of disputes. He noted that the establishment of trust funds with a view to providing financial assistance to States for expenses incurred in connection with disputes before international adjudicatory forums was not a new concept, and cited the example of the Secretary-General's Trust Fund to assist States in the Settlement of Disputes through the International Court of Justice, the Financial Assistance Fund in relation to the Permanent Court of Arbitration and the legal aid schemes in respect of the World Trade Organization.

43. The President of the Tribunal considered the initiative of the United Kingdom to be timely. He stated that the absence of a trust fund in respect of the Tribunal might serve as an inhibiting factor for States when choosing the procedure for the settlement of disputes under article 287 of the Convention.

44. He suggested that the trust fund in respect to the Tribunal should not be restricted, as in the case of the Trust Fund in respect of the International Court of Justice, to only providing financial assistance for proceedings on the merits of a case. It should rather aim at rendering financial assistance to States for expenses incurred in connection with any phase of the proceedings in cases submitted, or to be submitted, to the Tribunal, including its Chambers.

45. Delegations expressed their appreciation to the delegation of the United Kingdom for its proposal. It was recognized that the lack of adequate resources was a legitimate cause of concern for developing countries. Broad support was expressed for the establishment of a trust fund financed through voluntary contributions. Some delegations expressed their preference for a trust fund the use of which would not be limited to only proceedings on the merits, but would, as the President of the Tribunal had suggested, cover any phase of the proceedings.

46. Some delegations emphasized that the establishment of a trust fund should not encroach upon the independence of the Tribunal. In that regard, attention was drawn to the practice of the Trust Fund in respect of the International Court of Justice, where it was not the Court itself, but a Panel of three experts established by the Secretary-General, which made recommendations to the Secretary-General. Recognizing the very important role that a panel for the Tribunal's trust fund would play, some delegations

stated that it was necessary to further clarify its composition and functions. One delegation proposed that guidelines should be developed governing the use of the fund.

47. Delegations agreed that a trust fund should be established in respect of the Tribunal and that a recommendation should be made to the General Assembly to that effect. One delegation stated that a formal decision on the issue should be postponed until the next Meeting of States Parties. The Meeting noted that reservation and decided to recommend to the General Assembly that it consider, at its fifty-fifth session, under the agenda item "Oceans and the law of the sea", the establishment of a trust fund, to be financed through voluntary contributions, for the purpose of providing financial assistance to States in order to help them in proceedings before the International Tribunal for the Law of the Sea. The decision of the Meeting is contained in SPLOS/57.

V. Information on the activities of the International Seabed Authority

48. At the ninth Meeting of States Parties, it had been agreed that the Secretary-General of the International Seabed Authority would be given an opportunity to address the tenth Meeting and provide information with respect to the activities of the Authority (SPLOS/48, para. 53).

49. Pursuant to this request and in accordance with rule 37 of the Rules of Procedure of Meetings of States Parties, the Secretary-General of the Authority, Satya Nandan, provided the Meeting with an oral report on recent developments on the work of the Authority. In his statement, he pointed out that one of the most important achievements during the fifth session of the Authority, held from 9 to 27 August 1999, had been the approval by the Assembly of the Authority of the Agreement between the Authority and the Government of Jamaica concerning the headquarters of the Authority. He added that the secretariat would now work on drawing up a supplementary agreement regarding the terms and conditions of the Authority's occupation of the headquarters building.

50. As regards other developments during the fifth session, the Council of the Authority had adopted the Financial Regulations of the Authority and had been able to make further substantive progress on the draft regulations for prospecting and exploration for polymetallic nodules. The Legal and Technical Commission had commenced consideration of draft guidelines for the assessment of the possible environmental impacts arising from exploration for polymetallic nodules.

51. The Secretary-General informed the Meeting that, during the first part of the sixth session in March 2000, the Council had continued, as a matter of priority, its work on the draft regulations for prospecting and exploration for polymetallic nodules. It had been able to make considerable progress in addressing the areas of most difficulty in the draft regulations. In particular, the Council had reviewed the provisions dealing with the application of the precautionary principle, the protection and preservation of the marine environment, the reporting of exploration data and confidentiality of data and information. He said that the Council would continue its discussions on the draft regulations during the second part of the sixth session, to be held from 3 to 14 July 2000, with a view to adopting them at that time.

52. The Authority held a workshop on proposed technologies for deep seabed mining from 2 to 6 August 1999, the proceedings of which would be published shortly. Another workshop was being convened in Kingston from 26 to 30 June 2000 to further the work on the review of the status of knowledge and research on resources other than polymetallic nodules, e.g., polymetallic sulphides and cobalt crusts, since the Authority had been requested by the Russian Federation to develop rules, regulations and procedures for exploration for those resources. Over the next two years, the Authority intended to establish a central data repository, accessible to all members, not only for polymetallic nodules, but also for all marine minerals in the Area. Environmental databases were planned that would facilitate establishing the baseline conditions of the marine environment in potential mine sites within the Area. Such databases containing, *inter alia*, information on the basic biology of the deep sea benthos in the Clarion-Clipperton fracture zone would, when operational, assist in the evaluation of data and information received from monitoring programmes established by contractors for the purpose of observing and measuring the effects of exploration activities on the marine environment.

53. The Secretary-General emphasized that it was important for States Parties to support the work of the Authority. One way to do that was to pay the assessed contributions to the administrative budget in full and on time. To date, contributions to the 2000 budget had been received from 35 members of the Authority, accounting for 41 per cent of the total assessed contributions. Unfortunately, contributions of 68 members to the 1999 budget, totalling $217,814, and contributions of 46 members to the 1998 budget, totalling $1,311,409, remained outstanding. Forty members of the Authority were in arrears of contributions for a period exceeding two years. He reminded States Parties of the provisions of article 184 of the Convention and rule 80 of the Rules of Procedure of the Assembly, which provided that a member of the Authority in arrears in the payment of its financial contribution to the Authority shall have no vote if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years.

54. Another way to support the work of the Authority, he emphasized, was to participate in its meetings. It was a matter of growing concern that it was becoming increasingly difficult for the Assembly to secure a quorum at its meetings. He urged all members of the Authority (all States Parties) to exert their best efforts to participate actively in the next meeting of the Authority.

55. The Meeting took note, with appreciation, of the report of the Secretary-General of the Authority. Some delegations underscored the importance of the work of the Authority and the need for a commitment by States Parties to attend and fully participate in its meetings and to pay their contributions in full and on time.

VI. Matters related to the continental shelf and the Commission on the Limits of the Continental Shelf

A. Financing the participation of members of the Commission from developing countries

56. The President drew the attention of the Meeting to a letter addressed to him by the Chairman of the Commission on the Limits of the Continental Shelf, Yuri B. Kazmin (SPLOS/52), wherein, pursuant to the request of the ninth Meeting of States Parties (SPLOS/48, para. 48), the Chairman had provided information, in connection with the possible establishment of a trust fund, on actual needs and financial estimates for the cost of travel and daily subsistence allowance for each session of members of the Commission from developing countries. At the request of the President, the Secretary of the Commission addressed the Meeting on the issue of the trust fund, training and other concerns of the Commission and replied to delegations on matters related to the Commission. Delegations expressed their broad support for the establishment of a voluntary trust fund to enable the participation of members of the Commission from developing countries in the work of the Commission, notwithstanding the provision of Annex II to the Convention which requires the State Party nominating a member of the Commission to defray the member's expenses while in performance of Commission duties.

57. The Meeting adopted a decision (SPLOS/58), by which it recommended to the General Assembly of the United Nations the establishment of a voluntary trust fund for the purposes of meeting the costs of participation (travel expenses and daily subsistence allowance) of the members of the Commission on the Limits of the Continental Shelf from developing countries in the meetings of the Commission.

B. Technical assistance to States and training

58. During the discussions on the trust fund to finance the participation of members of the Commission on the Limits of the Continental Shelf from developing countries, some representatives had proposed that the fund be broadened to cover technical assistance to developing States, especially the least developed among them and small island States, including the training of those who would be involved in preparing submissions for an extended continental shelf to the Commission.

59. In that regard, it was pointed out that the Commission had considered the issue of training necessary to help States prepare their submissions in respect of the outer limits of the extended continental shelf. The Commission had adopted an action plan on training and had prepared a basic flow chart illustrating the preparation of submissions by coastal States. It was

working on modules for a training course, and further development of those modules would be taken up during the next session of the Commission.

60. The Meeting decided to recommend to the General Assembly that it consider at its fifty-fifth session, under the agenda item entitled "Oceans and the law of the sea", the establishment of a voluntary fund or funds, for purposes of: (a) providing assistance to States Parties to meet their obligations under article 76 of the Convention; and (b) providing training to countries, in particular the least developed among them and small island developing States, for preparing submissions to the Commission with respect to the outer limits of the continental shelf beyond 200 nautical miles, as appropriate.

C. The 10-year time limit under article 4 of Annex II to the Convention

61. Regarding matters relating to article 76 and article 4 of Annex II to the Convention, one delegation proposed that the Meeting consider the difficulties faced by certain countries, particularly developing countries, in complying with the time limit for submissions to the Commission on the Limits of the Continental Shelf. The delegation pointed out that article 4 of Annex II to the Convention placed a time limit of 10 years from the entry into force of the Convention for those coastal States wishing to submit particulars of the outer limits to the Commission with respect to their continental shelf where it extended beyond 200 nautical miles. In view of the limited technical expertise of certain developing countries, particularly the least developed countries, the Meeting should consider means by which assistance could be provided both with respect to the scientific and technical expertise required by those preparing submissions, and to comply with the time limit required in the Convention, or consider an extension of the time limit.

62. The Meeting expressed general support for the concerns voiced regarding the difficulty of complying with the 10-year time limit. It decided to include in its agenda for the eleventh Meeting an item entitled "Issues with respect to article 4 of Annex II to the United Nations Convention on the Law of the Sea" and requested the Secretariat to prepare a background paper.

VII. Rules of Procedure of Meetings of States Parties

A. Proposed amendment to rule 53 (Decisions on questions of substance)

63. The Meeting continued its consideration of an amendment to rule 53 (Decisions on questions of substance) of the Rules of Procedure of Meetings of States Parties (SPLOS/2/Rev.3), which had been proposed by the United Kingdom of Great Britain and Northern Ireland at the ninth Meeting of States Parties (SPLOS/CRP.20). That proposal provided for the inclusion of an additional paragraph in rule 53 to the effect that decisions on budgetary and financial matters should be taken by a three-fourths majority of States Parties present and voting, provided that such majority included States Parties contributing at least three fourths of the expenses of the Tribunal as well as a majority of the States Parties participating in the Meeting.

64. Some delegations, recalling the discussion on the proposal at the ninth Meeting (SPLOS/48, paras. 41-43), supported the proposed amendment to rule 53 because it would ensure that the budget of the Tribunal would enjoy the widest possible support. Other delegations, however, expressed their strong opposition to the proposed amendment, contending that it would amount to weighted voting in violation of the principle of equality followed in the United Nations and its organs. Those delegations noted that, thus far, the Meeting of States Parties had approved the budgets of the Tribunal by consensus and there was no need to change the rules since the current system worked well.

65. In the light of the views expressed, the United Kingdom proposed to delete from its proposal the requirement that a three-fourths majority would need to include those States Parties contributing at least three fourths of the expenses of the Tribunal. The amended proposal was once again not accepted by a number of delegations, who questioned the need to increase the required majority from the current figure of two thirds. Other delegations reserved their position on the amended proposal for the time being.

66. The Meeting, noting the various views expressed on the modalities for decision-making on financial and budgetary matters, decided to further consider the

newly amended proposal of the United Kingdom at the next Meeting.

67. Another issue which was raised in relation to rule 53 in the course of the discussions on decision-making was the distinction the rule made between "States present and voting" and "States participating in the Meeting". Some delegations expressed the view that such a distinction was unnecessary and confusing. In response, the view was expressed that small delegations attached importance to the retention of that distinction and therefore the current wording in rule 53 should not be changed. It was decided that the discussion of the issue would be deferred to the next Meeting of States Parties.

B. Proposal to establish a finance committee

68. One delegation proposed that the Meeting should, in the context of the Rules of Procedure of Meetings of States Parties, consider in the future the establishment of a finance committee, which some delegations had provided for in their proposals on the draft financial regulations of the International Tribunal for the Law of the Sea. Some delegations expressed their support for the establishment of a finance committee, which, they suggested, should be composed of experts and should meet in advance of the Meeting of States Parties. In their view, such a committee would advance the work of the Meeting of States Parties, thus allowing the Meeting to meet for a shorter time.

69. Some delegations pointed to the need to address the form and composition of such a committee and the financial implications involved, including the extent to which the work of the committee would shorten the meetings of the Meeting of States Parties.

70. Other delegations questioned the need for a finance committee. They expressed their support for the current procedure for considering the budget of the Tribunal, which, they said, allowed for broad participation by all interested delegations.

71. In that regard, the representative of an observer State proposed that a subsidiary body established under the Meeting of States Parties could meet in advance of the Meeting and operate like the open-ended working group that was currently considering the budget. While some delegations supported the idea of the method of an open-ended working group, they reserved their position on the establishment of a finance committee for the time being, pending the submission of a working paper on the issue by those who supported its establishment.

72. The Meeting consequently decided to defer discussions on the establishment of a finance committee to a future meeting pending the presentation of a working paper by those delegations in favour of establishing a finance committee.

VIII. Role of the Meeting of States Parties with respect to the implementation of the United Nations Convention on the Law of the Sea

73. The Meeting considered a submission by Chile proposing the inclusion of a new item in the agenda of the next Meeting of States Parties, entitled either "Implementation of the United Nations Convention on the Law of the Sea" or "Issues of a general nature related to the United Nations Convention on the Law of the Sea" (SPLOS/CRP.22). The submission referred to the discussions which had taken place at the ninth Meeting on the characteristics and the work of the Meeting of States Parties (SPLOS/48, paras. 49-53). It proposed, *inter alia*, that the Parties to the Convention should consider the implementation of the Convention. To that end, the Meeting of States Parties would receive a report from the Secretary-General of the United Nations every year on issues of a general nature that had arisen with respect to the Convention, as provided for in article 319 of the Convention. In addition, the Meeting would be informed of the work in the Commission on the Limits of the Continental Shelf and the International Seabed Authority, without prejudice to their sphere of autonomy and, where applicable, the necessary confidentiality.

74. During the ensuing discussions, different viewpoints were expressed on the proposal of Chile, with a number of delegations expressing their support for the proposal. They agreed that the Meeting of States Parties was the only competent body responsible for taking decisions on issues relating to the implementation of the Convention and that its role should not be confined to dealing with only budgetary and other administrative matters. Those delegations maintained that certain issues pertaining to the

implementation of the Convention could only be discussed by the Meeting of States Parties.

75. Other delegations, however, expressed the view that an expansion of the mandate of the Meeting of States Parties beyond budgetary and administrative matters, as proposed by Chile and other delegations, was not provided for in the Convention. Implementation of the Convention was the responsibility of competent international organizations. They also emphasized, in particular, the mandate given to the General Assembly in its resolutions 49/28 of 6 December 1994 and 54/33 of 24 November 1999 and the role of the newly established United Nations Open-ended Informal Consultative Process on Ocean Affairs and the Law of the Sea. They also noted that the call for a report by the Secretary-General referred to in article 319 of the Convention had been followed up on in resolution 49/28, in which the Secretary-General is requested to present annually to the General Assembly a comprehensive report on oceans and the law of the sea.

76. A number of other delegations, while not excluding the possibility of discussing matters of substance in the Meeting of States Parties, pointed out that the General Assembly had been given a very important role in the discussion of issues relating to oceans and the law of the sea. That role had now been further strengthened by the Consultative Process, which, they believed, that over time might address some of the concerns raised by Chile in its proposal. They therefore suggested that the proposal of Chile should be discussed in the future in the light of experience gained with the Consultative Process.

77. Responding to the issue of the relationship between the expanded role of the Meeting and the Consultative Process, several delegations pointed to their complementary roles: the former would consider issues relating to the implementation of the Convention and the latter would promote international cooperation and coordination within the framework of the Convention.

78. In view of the divergent views expressed, the Meeting agreed to include in the agenda of the eleventh Meeting of States Parties an item entitled "Matters related to article 319 of the United Nations Convention on the Law of the Sea".

IX. Other matters

A. African institute for the oceans

79. One delegation proposed that, pursuant to the provisions related to the establishment of regional marine scientific and technological research centres contained in the Convention, the Meeting of States Parties should establish an African institute for the oceans, which would, in particular, play a role in marine scientific research and marine technology. In response, another delegation stated that the proposal needed further study and that it could be presented as a joint recommendation by a group of African States.

B. Statement by the President at the closure of the tenth Meeting

80. In his closing statement, the President reviewed the various decisions that had been reached at the Meeting and expressed his satisfaction regarding the great deal of work that had been accomplished, in particular the expeditious adoption of the budget of the Tribunal and the recommendations to the General Assembly to establish various trust funds intended to assist developing countries. He noted that all those as well as other accomplishments were the result of the spirit of cooperation and compromise with which the delegations had approached the work of the Meeting.

81. He stated that the 2001 budget of the Tribunal, in the sum of $8,090,900, provided for the spreading of the cost of the integrated computer network in the new premises over two budgetary periods; similarly, the need for posts at the General Service level would be reviewed in the light of experience gained during 2000. The President underscored the fact that the International Tribunal for the Law of the Sea and its Registry had demonstrated considerable responsibility in addressing budgetary and financial matters. He stressed the need for States to pay their assessed contributions fully and in a timely manner to enable the Tribunal to discharge its functions efficiently.

82. He reiterated the need for additional work on the Financial Regulations of the Tribunal. He reminded delegations that although there had been an in-depth discussion on the establishment of a finance committee, the item had been deferred to the next Meeting of States Parties. In that respect, he requested

interested delegations to submit formal proposals that would give the Meeting a framework for further deliberation on the issue.

83. The President also underscored the appeal made by the Secretary-General of the International Seabed Authority to the delegations to pay their contributions to the Authority in full and on time, and in particular to participate in the work of the Authority in order to facilitate its decision-making process.

84. In closing, the President expressed deep appreciation to the delegations for the spirit of compromise they had exhibited, without which progress would have not been achieved, and to the members of the Bureau for their assistance to him during the course of the Meeting. He also thanked the Secretariat for its valuable assistance.

C. Dates and programme of work of the eleventh Meeting of States Parties

85. The eleventh Meeting of States Parties will be held in New York from 7 to 11 May 2001.

86. The eleventh Meeting will have on its agenda, *inter alia*, the following items:

(a) Report of the International Tribunal for the Law of the Sea to the Meeting of States Parties, covering the calendar year 2000 (rule 6 of the Rules of Procedure of Meetings of States Parties);

(b) Draft budget of the International Tribunal for the Law of the Sea for 2002;

(c) Draft financial regulations of the International Tribunal for the Law of the Sea;

(d) External Audit Report and financial statement of the International Tribunal for the Law of the Sea for the financial year 1999;

(e) Rules of procedure of Meetings of States Parties, in particular, the rules dealing with decisions on questions of substance (rule 53), including the establishment of a finance committee;

(f) Matters related to article 319 of the United Nations Convention on the Law of the Sea;

(g) Issues with respect to article 4 of Annex II to the United Nations Convention on the Law of the Sea;

(h) Other matters.